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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,595	09/30/2005	Michael Joseph Haun	Haun LG1-PCT	5630

7590
Michael J. Haun
P.O. Box 47
Ninole, HI 96773

EXAMINER

GROSS, CARSON

ART UNIT	PAPER NUMBER
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4122

MAIL DATE	DELIVERY MODE
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02/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,595	Applicant(s) HAUN, MICHAEL JOSEPH	
	Examiner CARSON A. GROSS	Art Unit 4122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2, 5, 12, 17, 20 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The inclusion of the phrase 'including but not limited to' renders the claim indefinite because one of ordinary skill in the art would not be able to define the metes and bounds of the subject matter that would be protected by the patent grant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 4122

5. Claims 1-5, 8, 13, 16-20, 23, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 in view of Gurta, USP 3,912,534.

6. Kedda teaches a method for making a glass product, comprising cutting two blanks of glass into a desired shape, gluing the two pieces of glass together with heat destructible glue, and firing the two pieces with the second piece being on top of the first to fuse them together. See abstract; col. 1, lines 37-46.

7. Kedda does not expressly disclose the use of laminated-glass waste in the production process and also does not expressly disclose the crushing of the glass so that it is fragmented but remains bonded to the laminating interlayer.

8. Gurta teaches a method for making a glass product from laminated-glass waste comprising crushing the glass so that it is fragmented but remains bonded to the laminating interlayer, which is made of polyvinyl butyral, and then heating the laminated-glass waste to a temperature at which the interlayer burns away. See abstract; col. 1, lines 35-50; col. 2, lines 1-5.

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the laminated-glass waste disclosed by Gurta in the method for making a glass product disclosed by Kedda. The rationale to combine the laminated-glass waste disclosed by Gurta in the method for making a glass product disclosed by Kedda is the motivation provided the teaching of Gurta that increasing costs in raw materials for glass production make it desirable to recover the glass in any spoiled laminated glass product. See col. 1, lines 16-20.

Art Unit: 4122

10. With regard to claims 13 and 26, if the product in the instant application has a pattern corresponding to cracks present in the laminated glass prior to heating, then it would be reasonable to assume that the product created by combining the processes disclosed by Gurta and Kedda would also have this pattern since the same cracks are present prior to heating and the heating in the process is substantially the same.

11. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 and Gurta, USP 3,912,534 as applied to the claims above, and further in view of Setten et al., USP 6,544,587.

12. Gurta and Kedda combine to teach a method of making glass products as detailed above.

13. Gurta and Kedda do not expressly disclose the steps of adding a coating to the glass product after the initial firing and then reheating the glass product.

14. Setten teaches a method for producing a tile, comprising cutting a glass pane to a desired shape, heat treating the pane until it softens, cooling the pane to a temperature in the range of room temperature, applying a coat of mineral lacquer to one side of the pane, and firing the coat of lacquer. See col. 2, lines 63-67; col. 3, lines 1-7.

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the additional coating and heating steps disclosed by Setten in the method of making glass products disclosed by Gurta and Kedda. The rationale to combine the additional coating and heating steps disclosed by Setten in the method of making glass products disclosed by Gurta and Kedda is the motivation provided by the

Art Unit: 4122

teaching of Setten that coating and reheating the glass pane makes it possible to realize an appearance which differs completely from that of conventional tiles. See col. 2, lines 22-29.

16. Claims 6-7, 9-11, 14-15, 21-22, 24, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kedda, USP 4,222,759 and Gurta, USP 3,912,534 as applied to the claims above, and further in view of Lindenberg, US PGPub 2002/0012747.

17. Gurta and Kedda combine to teach a method of making glass products as detailed above.

18. Gurta and Kedda do not expressly disclose the step of applying a powder coating to the glass prior to firing which results in a textured surface appearance on the glass product. They also do not expressly disclose the particular temperature range in which the glass is fired and useful applications for the resulting product.

19. Lindenberg teaches a method for producing glass tiles used for finishing floors or walls in which one or more heat resistant powder coatings are applied to the rear side of a glass slab prior to firing at a temperature between 780 and 810°C. The removal of the powder coating results in a pattern or motif that is a relief-like structure on the glass which gives it a textured surface appearance. See [0002]; [0011] - [0018].

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coatings disclosed by Lindenberg in the method of making glass products disclosed by Gurta and Kedda. The rationale to combine the

Art Unit: 4122

coatings disclosed by Lindenberg in the method of making glass products disclosed by Gurta and Kedda is the motivation provided by the teaching of Lindenberg that using glass tiles permits interesting optical effects to be achieved in finishing walls and floors in buildings. See [0002]. The rationale also lies in the motivation provided by the teaching of Lindenberg that using these coatings allows glass tiles backed with colored motifs that are additionally provided with a relief-like structure to be manufactured in one operating sequence at low cost and with ease of high-yield manufacturing. See [0018].

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARSON A. GROSS whose telephone number is (571)270-7657. The examiner can normally be reached on M-F 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4122

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARSON A GROSS/
Examiner, Art Unit 4122

/Timothy J. Kugel/
Primary Examiner, Art Unit 1796